

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT JOHNSON.

Case No. 3:20-cv-00591-ART-CLB

Petitioner,

ORDER

V.

WILLIAM GITTERE, *et al.*,

Respondents.

11 This habeas matter comes before the Court on *sua sponte* reconsideration
12 of its denial of Petitioner Robert Johnson’s motion for appointment of counsel
13 (ECF Nos. 1-2, 6). Having reviewed the parties’ submissions, the Court concludes
14 that the just course is to appoint counsel and that the appointment of counsel
15 would assist the Court in adjudicating the matter. The Court, therefore, *sua*
16 *sponte* reconsiders and reverses its prior order (ECF No. 6) denying Petitioner’s
17 motion to appoint counsel. The Court further stays the deadline for Johnson to
18 file his reply in support of his petition for writ of habeas corpus pending the
19 appointment of counsel.

20 It is therefore ordered Petitioner Robert Johnson's Motion for Appointment
21 of Counsel (ECF No. 1-2) is granted.

22 It is further ordered that the deadline for Johnson to file his reply in
23 support of his petition for writ of habeas corpus is stayed pending appointment
24 of counsel.

25 It is further ordered that Federal Public Defender is provisionally
26 appointed as counsel and will have 30 days to undertake direct representation
27 of Johnson or to indicate the office's inability to represent Johnson in these
28 proceedings. If the Federal Public Defender is unable to represent Johnson, the

1 Court will appoint alternate counsel. The counsel appointed will represent
2 Johnson in all federal proceedings related to this matter, including any appeals
3 or *certiorari* proceedings, unless allowed to withdraw. A deadline for the filing of
4 an amended petition and/or seeking other relief will be set after counsel has
5 entered an appearance.

6 It is further ordered that any deadline established and/or any extension
7 thereof will not signify any implied finding of a basis for tolling during the time
8 period established. Johnson at all times remains responsible for calculating the
9 running of the federal limitation period and timely presenting claims. That is,
10 by setting a deadline to amend the petition and/or by granting any extension
11 thereof, the Court makes no finding or representation that the petition, any
12 amendments thereto, and/or any claims contained therein are not subject to
13 dismissal as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

14 It is further ordered that the Clerk of the Court will send a copy of this
15 order to the *pro se* petitioner, the Nevada Attorney General, the Federal Public
16 Defender, and the CJA Coordinator for this division.

17 DATED THIS 11th day of August 2022.



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19 ANNE R TRAUM
20 UNITED STATES DISTRICT JUDGE
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